

REMARKS

The Office Action dated February 7, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Status of the Claims and Election

Claims 22-35 are cancelled herein. Thus, claims 1-21 and 36-59 are currently pending. The Applicant elects Group I, which includes claims 1-21 and 46-59, with traverse.

Traversal of Restriction Requirement

In the Office Action mailed February 7, 2008, the Examiner restricted the claims into three Groups. Group I includes claims 1-21 and 46-59 and is allegedly “drawn to a method and a computer program of computer to computer data addressing” (page 2, of the Office Action). Group II includes claims 22-35 and 42-45 and is allegedly “drawn to a system of computer to computer data routing” (Id.). Group III includes claims 36-41 and is allegedly “drawn to a system of computer to computer data streaming” (Id.). Claims 22-35 are cancelled. The Applicant respectfully submits that the restriction requirement is improper for at least the reasons discussed below. Reconsideration of the restriction requirement is respectfully requested.

“To support a requirement for restriction between combination and subcombination inventions, **both** two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a serious search burden if restriction were

not required” (MPEP § 806.05(c), emphasis added). The Applicant respectfully submits that the restriction requirement fails to meet these criteria.

Combination/Subcombination Restriction of Groups I and II

The Office Action states on page 2 with respect to Groups I and II that “[i]n the instant case, the combination as claimed (Invention (I)) does not require the particulars of the subcombination (Invention (II)) as claimed because the Invention (I) does not rely on the specific details of the subcombination for their patentability.” However, this is not the case as will be demonstrated by the following comparison between independent claim 1 of Group I and independent claim 42 of Group II.

Claim 42 recites home address reservation means for providing a home address for at least one flow associated with an electronic device. Claim 1 recites obtaining at least one home address for said first node. These features appear to be similar.

Claim 42 also recites address management means for registering a mapping from said home address and optionally a flow label to a current address of said electronic device and routing means for routing the at least one flow to said electronic device based on said registered mapping. Claim 1 recites transmitting at least said first flow to said second node by at least one of said third node and said content source node. In claim 42, because of the address management means and the routing means, the at least one flow may be routed, and thus transmitted, towards the second node. Thus, these features of claim 42 appear to be similar to the above-recited features of claim 1.

Claim 42 recites features of claim 1 that are relevant for an apparatus in means-plus-function form acting as part of the realization of the method of claim 1. Thus, the “combination” (claim 1) requires the details of the “subcombination” (claim 42). As such, the subcombination is essential to the combination and the restriction is improper.

Combination/Subcombination Restriction of Groups I and III

The Office Action also states on page 3 with respect to Groups I and III that “[i]n the instant case, the combination as claimed (Invention (I)) does not require the particulars of the subcombination (Invention (III)) as claimed because the Invention (I) does not rely on the specific details of the subcombination for their patentability.” However, this is not the case as will be demonstrated by the following comparison between independent claim 1 of Group I and independent claim 36 of Group III.

Claim 36 recites detecting means for detecting a need to move at least one flow between said electronic device and a second electronic device. Claim 1 recites detecting a need to move at least said first flow from said first node to said second node. These features appear to be similar.

Claim 36 recites some of the features of claim 1 that are relevant for an apparatus acting as part of the realization of the method of claim 1. Thus, the “combination” (claim 1) requires the details of the “subcombination” (claim 36). As such, the subcombination is essential to the combination and the restriction is improper.

Restriction of Groups II and III as Subcombinations Usable Together

The Office Action also states on page 3 that “Inventions (II) and (III) are related as subcombinations disclosed as usable together in a single combination.” In order for such a restriction to be proper, “both two-way distinctness and reasons for insisting on restriction are necessary” (MPEP § 806.05(d)). As argued above, two-way distinctness is not present for Group II and Group III with respect to Group I.

Further, Group II and Group III overlap in scope. As stated in MPEP § 806.05(d), “[t]wo or more subcombinations ... are usually restrictable when they do not overlap in scope and are not obvious variants.” Claim 36 recites address management means for obtaining at least one home address and informing the network address of said electronic device and said at least one home address to a network node. Claim 42 recites home address reservation means for providing a home address for at least one flow associated with an electronic device. Both of these recitations use a home address and as such, the features thereof appear to overlap.

Lack of a Serious Burden with Respect to All Restrictions

Further, no serious search burden is presented by examining the Groups in the same application. While such a serious burden may be “evidenced by a separate classification, status, or field of search” (see MPEP § 806.05(c) and MPEP § 808.02), no such separate classification exist here. The Office Action states on page 4 that “Applicant is required under 35 U.S.C. § 121 to elect a single group disclosed as described above for prosecution on the merits because each of the groups requires

different search in **different class and subclass.**” (Emphasis added). However, by the Office Action’s own admission, the groups all belong to the same class 709 (see page 2). The Groups only allegedly differ in subclass. As such, the classification of the Groups is not different - only the subclassification thereof. Further, claims 36 and 42 of Groups II and III recite similar features to corresponding elements of Group I and as such, the Applicant respectfully submits that the search does not create a “serious burden”.

Accordingly, the Applicant respectfully submits that the restriction requirement is improper and it is respectfully requested that the restriction requirement be withdrawn with respect to the pending claims.

Conclusion

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant’s undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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